

REMARKS

In the outstanding Office Action dated December 3, 2003, pending claims 1 and 45-63 were considered and rejected. Claims 1, 45-46, 48-50, 52-55, 57-58, 60, and 62 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,399,219 (hereinafter the Welty patent). Claims 47, 51, 56, 59, 61, and 63 were rejected under 35 U.S.C. §103(a) as unpatentable over Welty in view of U.S. Patent No. 5,589,280 (hereinafter the Gibbons patent). Claims 1 and 45-63 were rejected under 35 U.S.C. §103(a) as unpatentable over Gibbons.

On March 12, 2004, Applicant spoke with Examiner Piziali regarding the outstanding rejections. During this teleconference, the Examiner agreed to withdraw all rejections based upon Welty and to withdraw the rejections based upon Gibbons subject to the amendments presented herein. In anticipation of receiving a request for a written summary of this teleconference, Applicant herein provides a summary of the substance of this teleconference.

Teleconference with Examiner Piziali (March 12, 2004): Undersigned counsel previously scheduled this telephone conference with Examiner Piziali to discuss Applicant's position regarding the inappropriateness of the rejections based upon Welty and to further discuss the subject matter of the Gibbons patent. In light of the earliest claimed priority date of the present application, it was acknowledged that the Welty reference was inappropriately cited. Therefore, the Examiner agreed to withdraw all rejection based upon Welty.

The subject matter of the Gibbons patent was discussed in great detail. Applicant's position is that Gibbons did not disclose or suggest the invention as claimed, considering Gibbons is directed to an adhesive promoting metal layer used to promote the adhesion of a functional metal layer to a surface. Applicant's invention has no such function metal layer nor

utilizes a metal layer having the composition of the Gibbons functional metal layer. Applicant further argued that the metal layer relied up by the Examiner in Gibbons, the adhesion promoting layer, should not be used in a 103 rejection of the present claims because one skilled in the art would not use such an adhesive promoting layer to perform the non-adhesive promoting function of Applicant's invention.

After a lengthy discussion, for which Applicant greatly appreciates the Examiner's efforts to resolve this matter, it was agreed that the claims would be allowable through amendment providing some structural clarification to the claims. It was agreed that Applicant would amend all independent claims 1, 48, 52, 58, 60, and 62 to clarify that any layer mentioned as "on" a previously mentioned layer would be clarified to indicate that layer as "deposited directly on" the previously mentioned layer. Such amendments have been presented above.

Again, undersigned counsel is most appreciative of the Examiner's courtesy and efforts in resolving this matter. Therefore, as suggested by the Examiner, the claims now appear to be in order for allowance. Such allowance is earnestly solicited.

Respectfully submitted,



Robert H. Earp, III
Reg. No. 41,004
McDonald Hopkins Co., LPA
2100 Bank One Center
600 Superior Avenue, E.
Cleveland, OH 44114-2653
(216) 430-2003

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